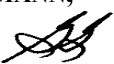




CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	11-16-10	AGENDA REQUEST NO:	III-J
INITIATED BY:	LINDA DRAPP, ADMINISTRATIVE SECRETARY	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDA GUNDERMANN, CITY SECRETARY	DEPARTMENT HEAD:	GLENDA GUNDERMANN, CITY SECRETARY 
		ADDITIONAL DEPARTMENT. HEAD (S):	N/A
SUBJECT / PROCEEDING:	MINUTES CITY COUNCIL MEETING NOVEMBER 02, 2010 APPROVE MINUTES		
EXHIBITS:	MINUTES NOVEMBER 02, 2010		
CLEARANCES		APPROVAL	
LEGAL:	N/A	EXECUTIVE DIRECTOR:	N/A
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve the minutes of the City Council meeting November 02, 2010.			

EXHIBITS

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF SUGAR LAND §

CITY OF SUGAR LAND
CITY COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 02, 2010

REGULAR MEETING

The City Council of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Tuesday, November 02, 2010 at 5:30 o'clock P.M. and the roll was called of the members; to wit:

James A. Thompson, Mayor
Thomas Abraham, Council Member at Large, Position One
Jacqueline Baly Chaumette, Council Member at Large, Position Two
Donald L. Smithers, Council Member District One
Donald G. Olson, Council Member District Two
Russell C. Jones, Council Member District Three
Michael S. Schiff, Council Member District Four

QUORUM PRESENT

All of said members were present.

Also present were:
Allen Bogard, City Manager
Glenda Gundermann, City Secretary
Joe Morris, City Attorney, and
A Number of Visitors

CONVENE MEETING

Mayor James Thompson convened the session, open to the public, to order at 5:30 o'clock P.M.

INVOCATION

Council Member Schiff delivered the invocation.

PLEDGE OF ALLEGIANCE

Council Member Schiff led the pledge of allegiance to the Flag of the United States of America.

RECOGNITIONS

SCENIC CITY SILVER CERTIFICATION – TEXAS SCENIC CITY PROGRAM

Mayor Thompson recognized the City of Sugar Land in receiving the Texas Scenic City “Silver” Certification for achieving a high level of scenic standards for public roadways and public spaces. The City received the award on September 16 at an awards luncheon at the Hilton Austin Hotel in Austin, Texas.

Ms. Holly Eaton, Program Director of Scenic Houston, stated the Scenic City Certification Program is the first of its kind in the United States and was developed in 2009 by Scenic Texas in cooperation with the Texas Municipal League and in consultation with Scenic Houston, the Houston-Galveston Area Council, Urban Land Institute, American Planning Association, and Houston Council of Engineers. The program recognizes exceptional Texas cities that implement high-quality scenic standards, and only 14 Texas cities were given certification in the inaugural year. Ms. Eaton presented the Scenic City Silver Certification to the City Council.

Ms. Regina Morales, Director of Economic Development, stated the City had to qualify for a possible 70 different criteria in order to receive the certification. Some of the categories were sign control, streetscapes, parks and recreation areas, and landscaping of the roadways. Ms. Morales recognized the cross-departmental group of staff members that gathered the documentation and completed the application.

PUBLIC COMMENT

Mayor Thompson introduced Public Comment and entertained registered speakers. There were no public comments.

REVIEW OF CONSENT AGENDA

Mayor Thompson introduced Review of the Consent Agenda and entertained questions and/or comments.

CONSENT AGENDA

Mayor Thompson introduced III.A) Authorizing acceptance of a donation in the amount of \$1,000.00 from Nancy and Thomas Neugebauer; III.B) Authorizing acceptance of a Grant in the amount of \$11,900.00 from the Bureau of Justice Assistance Bulletproof Vest Partnership Fiscal Year 2010 Grant; and authorizing a budget adjustment in the amount of \$5,950.00 to revenue and expenditures; III.C) Authorizing Payment in the maximum amount of \$56,184.00 to the Texas Commission on Environmental Quality for Public Health Service Fee for TCEQ water programs; III.D) Approval of the minutes of the regular meeting of October 19, 2010.

Following a full and complete discussion, *Council Member Chaumette*, seconded by *Council Member Olson*, made a motion to approve the Consent Agenda. The motion carried unanimously.

CONTRACTS AND AGREEMENTS

SURFACE WATER CONVERSION

Mayor Thompson introduced consideration on authorizing execution of a Contract in the maximum amount of \$799,076.00 with Malcolm Pirnie, Incorporated for final design of Groundwater Plant Improvements for Surface Water Conversion, CIP SW1001.

Ms. Jessie Li, Assistant Utilities Director, presented a brief overview stating that the city is under a Fort Bend Subsidence District groundwater reduction mandate that requires reducing groundwater usage by 30 percent by 2013, and by 60 percent by 2025. To meet the Phase I conversion requirement, there are three projects: 1) 9 MGD (million gallons/day) Surface Water Treatment Plant (SWTP) currently under final design; 2) Transmission Lines to transfer treated surface water to two existing groundwater plants for blending and redistribution which is currently under final design; and 3) Groundwater Plant Improvements to receive the treated surface water.

The Groundwater Plant Improvements include several necessary improvements to keep the city in compliance: 1) Match disinfectant from SWTP; 2) Increase pumping capacity; 3) Add control flow for diversion/blending; and 4) Meet groundwater rule effective December 1, 2009.

Malcolm Pirnie was selected for PER and final engineering design services in January 2010; the PER was completed in October. Estimated construction cost for necessary improvements of all groundwater plants is approximately \$7 million.

The final design scope of work includes detailed design, specification, bid documentation preparation, and cost estimates for: Chlorine contact tanks at two groundwater plants, inlet piping modifications to ground storage tanks, flow control stations and yard piping at two groundwater plants, and additional booster pumps at the First Colony groundwater plants; also included are: adding facilities to feed liquid ammonium for disinfectant conversion; process control on-line analyzers for monitoring water quality; SCADA improvements; associated civil, structural, electrical, and instrumentation work; survey and site investigations. The scope of work included developing two bid packages for: 1) Disinfectant conversion first to allow time before blending with surface water, and 2) Remaining improvements. Advertisement for bids is anticipated in 5 and 7 months, respectively, after Notice to Proceed.

Following a full and complete discussion, *Council Member Schiff*, seconded by *Council Member Olson*, made a motion to approve a Contract in the maximum amount of \$799,076.00 with Malcolm Pirnie, Incorporated for final design of Groundwater Plant Improvements for Surface Water Conversion, CIP SW1001. The motion carried unanimously.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 10-50 – ADOPTING LEGISLATIVE AGENDA

Mayor Thompson introduced **CITY OF SUGAR LAND RESOLUTION NO. 10-50** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A LEGISLATIVE AGENDA FOR THE 82ND SESSION OF THE TEXAS LEGISLATURE.

ORDINANCES AND RESOLUTIONS (CONTINUED)

RESOLUTION NO. 10-50 – ADOPTING LEGISLATIVE AGENDA (CONTINUED)

Mr. Dale Rudick, Intergovernmental Relations, stated the State Legislative Session will begin on January 11, 2011; the City Council adopts an Agenda for each session which provides unified direction from Council. The Agenda is primarily defensive in nature because of unfunded mandates and erosion of local authority. Some pro-active positions in seeking legislation include the prison property and the Texas Open Meetings Act.

In April 2010, City Council approved a Legislative Agenda early which allowed staff to prepare and plan for the next session. There are no recommended changes, but staff is requesting to modify Exhibit A that lists all of the Position Statements; (4) additions are recommended. The City Council IGR Committee reviewed and recommended taking the additions to Council for consideration.

The Position Statement categories include: Unfunded mandates, erosion of municipal powers, municipal revenue, collective bargaining, land use regulation and annexation, economic development, transportation, right-of-way and utilities, open meetings/open records, homeowners associations (HOA); public advertising, TMRS, and prison property acquisition. The two new categories are public advertising and TMRS.

Position Statement Addition #1: “Support legislation that would enable the use of electronic notice to the public of bid or proposal activities.” Staff stated State law mandates that cities advertise in hard print which is more expensive and not as efficient. At the Texas Municipal League Conference in October, TML made the decision to recommend to the Board of Directors to seek introduction and passage of legislation that would enable the use of electronic notice.

Position Statement Addition #2: “Support legislation that would change the eight-percent statutory interest rate on property tax refunds under Tax Code Section 42.43 to the rate of the 3-month Treasury bill, as referenced in other portions of that section, as of the date of settlement.” Staff stated the change is aimed at eliminating the required 8 percent annual interest rate when property value lawsuits are settled. Research indicates the rate was put into legislation in the late 1980’s and is inconsistent with market rates and other Texas Tax Code refund rates. Staff stated that TML is proposing similar language.

Position Statement Addition #3: “Support legislation that would merge the various TMRS funds into one fund as being recommended by the TMRS Board of Directors.” Staff stated the recommendation will allow the TMRS Board to better diversify investments.

Position Statement Addition #4: “Support legislation that is beneficial to the City’s interest.” Staff stated the statement provides City Council direction that allows the City to be responsive to good legislation.

Council Member Chaumette stated the City agenda was in line with what the Resolutions Committee in various cities brought forward. Regarding TMRS, **Ms. Chaumette** stated that **City Manager Bogard** is on the Advisory Committee for TMRS, and with the representation of **Council Members Abraham** and **Chaumette** on the Resolutions Committee, the City is well-covered moving forward.

ORDINANCES AND RESOLUTIONS (CONTINUED)

RESOLUTION NO. 10-50 – ADOPTING LEGISLATIVE AGENDA (CONTINUED)

Following a full and complete discussion, *Council Member Chaumette*, seconded by *Council Member Smithers*, made a motion to approve **CITY OF SUGAR LAND RESOLUTION NO. 10-50** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A LEGISLATIVE AGENDA FOR THE 82ND SESSION OF THE TEXAS LEGISLATURE. The motion carried unanimously.

RESOLUTION NO. 10-51 – ADOPTING STREETSCAPE POLICY

Mayor Thompson stated at the request of staff, Item V.B., Resolution No. 10-51, Adopting Streetscape Policy, was removed from the Agenda for discussion at a future workshop.

ORDINANCE NO. 1804 – FEES FOR PARKS AND RECREATION

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1804** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING SECTION TWO OF THE CODE OF ORDINANCES REGARDING FEES FOR PARKS AND RECREATION.

Ms. Jennifer Brown, Budget and Research Director, stated membership fees were discussed in a 2011 budget workshop regarding the opening in 2011 of the new Recreation Center. City Council concurred with staff recommendation of membership fees: \$10/year for residents age 10 and over, and \$46/year for non-residents. Rental rates for the facility were not discussed with City Council; rooms and a gymnasium will be available for reservations when not booked for classes or leagues. Parks fees were not included in the fee ordinance that was brought to Council in September.

There are two categories of fees associated with Parks and Recreation services: Facility usage and deposits, and program fees. The ordinance should focus on the facility fees; another avenue for establishing the program fees will be necessary.

Facility Rental Fees: (1) Clean up existing facility fees; maintain same pricing structure, eliminate odd amounts, nominal increases/decreases. (2) Adjust to appropriate price points; facility sizes/capacity, demand for space, amenities, overall quality of space.

Recreation Center: Two rooms are available for rent; the rooms and gymnasium will require \$300 deposit with hourly rental rates depending on rental category. There is an additional \$200 deposit for non-athletic use in the gymnasium plus rental of tarp to cover the floor.

Community Center Rentals: Three rooms, the kitchen, and the entire facility are available for rent with each requiring \$300 deposit with hourly rental rates depending on rental category.

ORDINANCES AND RESOLUTIONS (CONTINUED)

ORDINANCE NO. 1804 – FEES FOR PARKS AND RECREATION (CONTINUED)

The City of Sugar Land has conference centers in many of the other parks with meeting rooms or stand-alone buildings within the parks that are available for rent. The room rates are differentiated by the size of the rooms and the amenities that are offered:

Conference Center Rooms: First Colony, Eldridge Park, Lost Creek Park, Jim Cooper room at City Park, and Duhacsek Park (house). Each requires \$300 deposit.

Pavilions and Amphitheatres: These are located in various parks; the “Standard Pavilion” is located in Eldridge, Lost Creek, and the South Meadow at Sugar Land Memorial Park. The “Premium Pavilion” is located at Duhacsek Park and Sugar Land Memorial Park. Each requires \$125 deposit. The Oyster Creek Amphitheatre is for larger groups; rental rates and deposit are based on the size of the group; available rentals for up to 1,000 people and two sections are available for rent.

Peak hours are 5:00 p.m. on Friday to 10:00 p.m. on Sunday; non-peak hours are Sunday after 10:00 p.m. to 5:00 p.m. on Friday.

Other fees related to facilities include: membership card; athletic field rentals either with or without lights; and administrative fees for lost key or late change fee to a reservation at \$60 per hour.

The ordinance maintains the existing charitable organization exemption that is available for rentals of facilities during non-peak hours.

The Parks Department offers various programs that include leisure classes, dances, camps; and with the opening of the Recreation Center, there will be City-run sports leagues that were not available in the past. The program fees will vary based on class, events, and leagues. Staff will retain flexibility in pricing while recovering costs. Prices will be published and available on the website.

After discussions with Legal Department, the ordinance has a statement that delegates authority to the Director of Parks and Recreation to set program fees within a set of guidelines; a reasonable fee will be charged for an event for which a fee is not already in place under the article and the fee will be set in an amount necessary for the department to recover the costs of administering the program which includes direct, indirect, and administrative costs. This is consistent with the user fee policy and philosophy that was adopted by City Council, and provides the flexibility to accommodate changing market conditions and offer classes that are being requested by the community. The Finance/Audit Committee reviewed the fee tables and language regarding Director authority to set program fees and concurred with staff recommendations.

Following a full and complete discussion, *Council Member Olson*, seconded by *Council Member Chaumette*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1804** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING SECTION TWO OF THE CODE OF ORDINANCES REGARDING FEES FOR PARKS AND RECREATION. The motion carried unanimously.

PUBLIC HEARING

PERMANENT ZONING – THE CROSSING AT TELFAIR SECTION 3

Mayor Thompson convened the Public Hearing to receive and hear all persons desiring to be heard on permanent zoning 15.29 acres The Crossing at Telfair Section 3 to Planned Development (PD) District, Final Development Plan.

Ms. Ruth Lohmer, Senior Planner, stated the General Development Plan for The Crossing at Telfair Sections 2, 3, and 4 was approved by City Council Ordinance No. 1796. The 15.29 acres are located at the intersection of University Boulevard and State Highway 6 across from the existing Wal-Mart and Sam's Club. The area is commercial and is in compliance with the Telfair General Plan.

Through approval of the General Development Plan, City Council approved Option A and Option B for the Site Layout Plan; with the Final Development Plan the applicant is moving forward with Option B. The primary difference between the two Options is circulation through the site.

The Planning and Zoning Commission reviewed the application three times; a workshop held on August 10, 2010 and a Public Hearing held on September 14. No members of the public spoke. During both discussions, the Commission primarily focused on the outdoor merchandise area related to size, screening, and gas sales area and canopy. The Commission on October 12 recommended approval of the Final Development Plan with changes: (1) Screening walls for primary outdoor merchandise areas and seasonal promotional area; (2) Screening of grocery cart storage; (3) Detailed layout of outdoor merchandise area shown on Site Layout Plan. All of the changes were incorporated into Ordinance No. 1803.

The proposed uses for the Final Development Plan are consistent with those established in the General Development Plan. Several uses that are not consistent with the site layout plan were removed: hotels, skilled nursing and intermediate care facilities, hospitals, and residential care facilities.

Development regulations are consistent with the General Development Plan: Building and parking setbacks, landscaping, building finishes; gas canopy and car wash must have hip roof; connection to City lift station; future expansion of grocery; and additional regulations for outdoor merchandise area. Planning and Zoning discussed at length the outdoor merchandise area, questions on the amount of area at the front of the building that would include the outdoor sales; elevations were provided to the Commission.

Points for consideration include, does the proposed Final Development Plan conform to the General Development Plan; uses refined for site layout; elevations provided further detail; additional detail has been provided for screening of outdoor merchandise area and grocery cart storage.

Planning and Zoning Commission and Staff recommend approval of Ordinance No. 1803, Final Development Plan for The Crossing at Telfair Section 3. Three inquiries regarding the Public Hearing were received to date, none of which were in opposition.

PUBLIC HEARING (CONTINUED)

PERMANENT ZONING – THE CROSSING AT TELFAIR SECTION 3 (CONTINUED)

Ms. Rachel Greene, resident expressed concerns with the developer and Fort Bend Independent School District who are currently not intending to build another school within the Telfair Development.

Ms. Tammy Marino, resident 7003 Gossamer Lane, expressed concerns regarding conditions of the current elementary school that a indications are there would not be a high school in Telfair.

Hearing no further comments, the Public Hearing was closed.

**ORDINANCE NO. 1803 – PERMANENTLY ZONING 15.29 ACRES
THE CROSSING AT TELFAIR SECTION 3**

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1803** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PERMANENTLY ZONING 15.29 ACRES OF LAND, TO BE KNOWN AS THE CROSSING AT TELFAIR SECTION 3, LOCATED AT THE SOUTHWEST INTERSECTION OF STATE HIGHWAY 6 AND UNIVERSITY BOULEVARD WITHIN THE TELFAIR DEVELOPMENT, AS ZONING DISTRICT CLASSIFICATION PD (PLANNED DEVELOPMENT), AND APPROVING A FINAL DEVELOPMENT PLAN FOR THE DISTRICT.

Ms. Ruth Lohmer, Senior Planner, stated there were no further comments.

Council Member Olson stated he is aware of the elementary school problems of overcrowding in Telfair. It is a Fort Bend Independent School District issue; at the same time, the General Plan approved years ago recognizes a high school and another elementary school site. Mr. Olson commented that City Council's hands are tied but he shares the concerns of the residents in Telfair, and stated the developer has nothing to do with the process; the issue is clear and direction needs to be given and some kind of a role needs to be taken.

Council Member Jones, for clarification purposes, stated the item before the City Council has nothing to do with the school issue, the land, or the Telfair developer.

Following a full and complete discussion, *Council Member Smithers*, seconded by *Council Member Abraham*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1803** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PERMANENTLY ZONING 15.29 ACRES OF LAND, TO BE KNOWN AS THE CROSSING AT TELFAIR SECTION 3, LOCATED AT THE SOUTHWEST INTERSECTION OF STATE HIGHWAY 6 AND UNIVERSITY BOULEVARD WITHIN THE TELFAIR DEVELOPMENT, AS ZONING DISTRICT CLASSIFICATION PD (PLANNED DEVELOPMENT), AND APPROVING A FINAL DEVELOPMENT PLAN FOR THE DISTRICT. The motion carried unanimously.

RECOGNITION

Mayor Thompson recognized members of Boy Scout Troop Number 1845 who were in attendance to earn a merit badge.

CITY COUNCIL CITY MANAGER REPORTS

CITY COUNCIL REPORTS

Mayor Thompson introduced Community Events Attended or Scheduled.

Council Member Smithers reported attending the Texas Municipal League conference in Corpus Christi, Texas, and Halloween Town in Town Square Plaza.

Council Member Chaumette reported attending the TML Conference in Corpus Christi, a Diwali gala hosted by the Indo American Forum, and the Make a Wish Foundation fundraiser.

Council Member Abraham reported he attended the Fort Bend Mayor and Council Association Meeting, TML Conference, and Texas Chinese Business Partnership Summit.

Council Member Jones reported attending the Finance Committee meeting.

Council Member Schiff reported speaking to a Cub Scout group on local government.

CITY MANAGER REPORT

There was no report.

RECESS MEETING

Mayor Thompson recessed the Regular Meeting to go into Closed Executive Session, time 6:48 o'clock P.M.

CLOSED EXECUTIVE SESSION

Mayor Thompson introduced **Closed Executive Session as authorized by Chapter 551, Texas Government Code, in accordance with:**

Public Officers: Section 551.074 (Discuss Public Officers)

a) For the purpose of discussion with respect to the appointment of members to the Building Standards Commission; Tax Increment Reinvestment Zone No. One, Three, and Four Board of Directors; and Imperial Redevelopment District. *Ms. Glenda Gundermann, City Secretary.*

Personnel Matters: Section 551.074 (Discuss Personnel Matters)

b) For the purpose of discussion with respect to City Manager annual performance evaluation. *Mayor James A. Thompson.*

ADJOURN CLOSED EXECUTIVE SESSION

Mayor Thompson adjourned the Closed Executive Session, time 8:10 o'clock P.M.

RECONVENE MEETING

Mayor Thompson reconvened the Regular Meeting, time 8:11 o'clock P.M.

CITY MANAGER

Mayor Thompson introduced the annual Contract and Compensation Package for Allen Bogard, City Manager, for the period October 01, 2010 through September 30, 2011. *Mayor James A. Thompson.*

Following a full and complete discussion, *Mayor Thompson*, seconded by *Council Member Smithers*, made a motion to approve the annual Contract for Allen Bogard, City Manager, for the period October 01, 2010 through September 30, 2011. The motion carried unanimously.

ADJOURN

There, being no further business to come before Council, *Council Member Smithers*, seconded by *Council Member Olson*, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 8:15 o'clock P.M.

Glenda Gundermann, City Secretary

(SEAL)